



23 APR 2003

Josefino P. de Leon
SHLESINGER, ARKWRIGHT & GARVEY LLP
3000 South Eads Street
Arlington, VA 22202

In re Application of
SETZER, Steffen *et al*

Application No.: 09/926,225

PCT No.: PCT/EP00/02639

Int. Filing Date: 27 March 2000

Priority Date: 26 March 1999

Attorney's Docket No.: 7170

For: DEVICE FOR PICTORIALLY
DEPICTING THREE-DIMENSIONAL
OBJECTS

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

The decision is in response to applicants' "Petition to Withdraw Notice of Abandonment" filed 07 March 2003. No fee is required.

BACKGROUND

On 08 November 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a \$65.00 surcharge fee pursuant to 37 CFR 1.492(e) must be provided. A two-month time period for response was set.

On 28 December 2001, applicants purportedly filed a response which contained an executed declaration and a check for the \$65.00 surcharge fee.

On 25 February 2003, a Notice of Abandonment was mailed for failing to respond to the Form PCT/DO/EO/905 within the time period set.

On 07 March 2003, applicants filed the instant petition which was accompanied by, *inter alia*, copies of the documents purportedly filed 28 December 2001 and a stamped postcard receipt for the 28 December 2001 documents.

DISCUSSION

A review of the above-captioned application file reveals that applicants' response dated 28 December 2001 was located in the file. The response included an executed declaration in compliance with 37 CFR 1.497(a) and (b). A further review shows that the \$65.00 surcharge fee was submitted 28 December 2001.

Therefore, the Notice of Abandonment dated 25 February 2003 was sent in error and is hereby **VACATED**.

DECISION

Since the Notice of Abandonment has been vacated, applicants' petition to withdraw the holding of abandonment is dismissed as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 27 March 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **28 December 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457